

State Water Resources Control Board

**SECOND REVISED**  
**NOTICE OF RESCHEDULED PUBLIC HEARING**  
**TO CONSIDER A PETITION REQUESTING CHANGES IN WATER RIGHTS OF**  
**THE DEPARTMENT OF WATER RESOURCES AND U.S. BUREAU OF RECLAMATION**  
**FOR THE CALIFORNIA WATERFIX PROJECT**

The public hearing listed above, originally scheduled to commence on April 7, 2016 at the Joe Serna Jr.-CalEPA Building, Byron Sher Auditorium, 1001 I Street, Second Floor, Sacramento, CA and rescheduled to commence on **May 5, 2016, has been rescheduled** and will commence according to the following schedule:

**PART IA<sup>1</sup> of this hearing will commence on July 26, 2016 at 9 a.m. and continue, as necessary, as indicated on the dates and at the locations shown on Revised Enclosure A**

**PART IB will commence on October 20, 2016 at 9 a.m. and continue, as necessary, as indicated on the dates and at the locations shown on Revised Enclosure A**

**PART II of this hearing will commence following completion of environmental and Endangered Species Act compliance for the project with dates to be noticed in the future**

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This notice supplements the [October 30, 2015 Notice of Petition and Notice of Public Hearing and Pre-Hearing Conference to Consider the Petition](#) available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/california\\_waterfix/water\\_right\\_petition.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/water_right_petition.shtml). Subsequent to the issuance of the hearing notice, the hearing officers ruled on various hearing issues in letters dated January 15, 2016, February 11, 2016, March 4, 2016, and April 25, 2016. This notice sets forth the revised hearing schedule established in the April 25, 2016 ruling. Except to the extent expressly modified by the hearing officers, the hearing requirements set forth in the original hearing notice remain unchanged.

**PURPOSE OF HEARING**

The purpose of this hearing is for the State Water Resources Control Board (State Water Board or Board) to receive evidence relevant to determining whether the State Water Board should approve, subject to terms and conditions, the California Department of Water Resources' and the U.S. Bureau of Reclamation's (petitioners) joint petition to add three new points of diversion and/or points of rediversion of water to specified water right permits for the State Water Project and the Central Valley Project associated with the California WaterFix Project. Additional information regarding the California WaterFix Project, the petition, and this hearing is available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/california\\_waterfix/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/).

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<sup>1</sup> Part I of this Hearing has been bifurcated into Part IA and Part IB

## **REVISED HEARING SCHEDULE FOR PARTS IA AND IB**

As discussed in the hearing notice and previous rulings, this hearing is being conducted in three parts: Part IA, Part IB and Part II. Information regarding the focus of the various hearing parts is provided in the notice and subsequent rulings. The hearing was originally scheduled to begin on April 7, 2016. The hearing was then rescheduled to begin on May 5, 2016, based on a request from the petitioners for a 30 day delay in the hearing and all due dates associated with the hearing. The State Water Board issued a [Notice of Rescheduled Public Hearing](#) on March 25, 2016. Following a [March 28, 2016 request](#) from the petitioners for an additional 60-day continuance of all dates and deadlines associated with the hearing, the hearing officers issued an [April 25, 2016 ruling](#), which granted the petitioners' request to delay the start of the hearing, revised the hearing schedule, and addressed other procedural issues. This notice provides formal public notice of the new dates identified in the April 25 ruling.

Part IA of the hearing will commence on **July 26, 2016 at 9 a.m.** and continue on the dates and in the locations shown on **Revised Enclosure A, dated April 25, 2016**. Part IB of the hearing is scheduled to commence on **October 20, 2016 at 9 a.m.** and continue on the dates and in the locations shown on **Revised Enclosure A**. The revised hearing schedule, including important deadlines, is set forth below.

Please note that the start times may be earlier than 9 a.m. on subsequent hearing days if the hearing officers determine that an earlier start time is necessary. Any change in start times will be announced at the conclusion of the previous hearing day.

A subsequent notice will be issued identifying the schedule for Part II of the hearing, including due dates for copies of witnesses' proposed testimony, witness qualifications, exhibits, and lists of exhibits. Part II is unlikely to begin before **February 2017**.

### **SUMMARY OF REVISED HEARING SCHEDULE AND IMPORTANT DEADLINES FOR PARTIES:**

- |                                  |   |
|----------------------------------|---|
| 12:00 noon, <b>May 31, 2016</b>  | Deadline for receipt and service of petitioners' cases in chief, including witnesses' proposed testimony, witness qualifications, exhibits, list of exhibits, and a statement of service for Part IA of the hearing.  |
| 12:00 noon, <b>June 15, 2016</b> | Due date for receipt of any written procedural/ evidentiary objections <u>from parties to the hearing</u> concerning petitioners' cases in chief. Rulings to follow as appropriate and necessary. Follow-up comments on rulings and duplicative motions are strongly discouraged. |
| 12:00 noon, <b>June 15, 2016</b> | Due date for receipt of proposed groupings and order of parties for cross-examination in Part IA of the hearing.  |
| 9:00 am, <b>July 26, 2016</b>    | Begin policy statements followed immediately by Part IA of the hearing with petitioners' cases in chief and cross-examination of petitioners' witnesses.  |

- 12:00 noon, **September 1, 2016** Due date for receipt and service of all other parties' cases in chief for Part IB of the hearing, including witnesses' proposed testimony, witness qualifications, exhibits, list of exhibits, a statement of service, and any requests for additional time for direct testimony.
- 12:00 noon, **September 15, 2016** Due date for receipt of any written procedural/ evidentiary objections from parties to the hearing concerning Part IB parties' cases in chief. Rulings to follow as appropriate and necessary. Follow-up comments on rulings and duplicative motions are strongly discouraged.
- 12:00 noon, **September 15, 2016** Due date for receipt of proposed groupings and order of parties for direct testimony in Part IB of the hearing and proposed order of parties for cross-examination.
- 9:00 am, **October 20, 2016** Part IB of the hearing commences, beginning with other parties' cases in chief for Part I of the hearing, including direct testimony, cross-examination, any redirect, and any recross-examination. Following the cases in chief, petitioners and other parties may present rebuttal testimony and exhibits.

**POLICY STATEMENTS**

Interested persons who are not participating in the evidentiary portion of the hearing may submit a written policy statement or present an oral policy statement. Please see the October 30, 2015 hearing notice for more information concerning policy statements. Policy statements will be heard at the beginning of Part IA of the hearing, on **July 26, 27, and 28**, and at the beginning of Part II, on dates to be determined. Policy statements at the beginning of Part IA may address Part I or Part II issues. The schedule for policy statements at the beginning of Part I is set forth below. Depending on the number of speakers making policy statements, the hearing may begin before 9 a.m. on the second and third day of the hearing (**July 27 and 28**) and may extend late into the evening.

**July 26, 2016** - On Day 1, the State Water Board will hear policy statements from:

- Federal, state and local elected officials or their representatives
- Approximately 160 persons not affiliated with North Delta CARES who submitted an NOI by the January 5, 2016 deadline indicating an intent to present a policy statement

**July 27, 2016** – On Day 2, the State Water Board will hear policy statements from:

- Persons affiliated with North Delta CARES, including those identified in the NOI submitted by Anna Swenson

**July 28, 2016** – On Day 3, the State Water Board will hear policy statements from:

- Interested persons who submitted an NOI and are listed in Table 2 of the service list who were not able to present on **July 26 or July 27**

- Interested persons who wish to make a policy statement who did not file an NOI by the January 5, 2016 deadline

Petitioners' opening statements and testimony will start immediately following policy statements, but no earlier than **9:00 a.m. on July 29, 2016.**

**IF YOU HAVE ANY QUESTIONS**

During the pendency of this proceeding, there shall be no *ex parte* communications between State Water Board members or State Water Board hearing team staff and any of the other participants regarding substantive or controversial procedural matters within the scope of the proceeding. (Gov. Code, §§ 11430.10-11430.80.) Questions regarding non-controversial procedural matters (Gov. Code, § 11430.20, subd. (b)) should be directed to the California WaterFix hearing team by email at [CWFhearing@waterboards.ca.gov](mailto:CWFhearing@waterboards.ca.gov) or at (916) 319-0960.

\_\_\_\_\_  
May 11, 2016  
Date

  
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Jeanine Townsend  
Clerk to the Board

Revised Enclosure A: Part IA and IB Hearing Dates and Room Schedule

**April 25, 2016<sup>1</sup> Revised Enclosure A:**  
Hearing Dates and Room Schedule  
California WaterFix

**PART IA** of the hearing will commence at **9 a.m. on July 26, 2016**, and continue, as necessary, on the following dates at the Joe Serna Jr. Cal EPA Building, 1001 I Street, Second Floor, Sacramento, CA. **Start times may be earlier than 9 a.m. on subsequent hearing days if the hearing officers determine it is necessary.** Any change in start times will be announced at the conclusion of the previous hearing day. **Please note that the new hearing dates for Part IA of the hearing below were previously scheduled for Part IB of the hearing pursuant to the hearing officers' [March 4, 2016 ruling](#) and the [March 25, 2016 Notice of Rescheduled Public Hearing](#).**

DATE	HEARING ROOM
July 26, 2016	Byron Sher Auditorium
July 27, 2016	Byron Sher Auditorium
July 28, 2016	Byron Sher Auditorium
July 29, 2016	Byron Sher Auditorium
August 04, 2016	Byron Sher Auditorium
August 05, 2016	Byron Sher Auditorium
August 09, 2016	Byron Sher Auditorium
August 10, 2016	Byron Sher Auditorium
August 11, 2016	Byron Sher Auditorium
August 12, 2016	Byron Sher Auditorium
August 18, 2016	Coastal Hearing Room
August 19, 2016	Coastal Hearing Room
August 23, 2016	Coastal Hearing Room
August 24, 2016	Byron Sher Auditorium
August 25, 2016	Byron Sher Auditorium
August 26, 2016	Byron Sher Auditorium
August 30, 2016	Byron Sher Auditorium
August 31, 2016	Byron Sher Auditorium
September 22, 2016	Sierra Hearing Room
September 23, 2016	Sierra Hearing Room
September 27, 2016	Byron Sher Auditorium
September 28, 2016	Byron Sher Auditorium
September 29, 2016	Byron Sher Auditorium
September 30, 2016	Byron Sher Auditorium

<sup>1</sup> The following revised hearing schedule was established in the hearing officers' [April 25, 2016 ruling](#).

**PART 1B** of the hearing will commence at **9 a.m. on October 20, 2016** and continue, as necessary, on the following dates at the Joe Serna Jr. CalEPA Building, 1001 I Street, Second Floor, Sacramento, CA. Start times may be earlier than 9 a.m. on subsequent hearing days if the hearing officers determine it is necessary. Any change in start times will be announced at the conclusion of the previous hearing day.

<b>DATE</b>	<b>HEARING ROOM</b>
<b>October 20, 2016</b>	Coastal Hearing Room
<b>October 21, 2016</b>	Coastal Hearing Room
<b>October 25, 2016</b>	Byron Sher Auditorium
<b>October 26, 2016</b>	Byron Sher Auditorium
<b>October 27, 2016</b>	Byron Sher Auditorium
<b>October 28, 2016</b>	Byron Sher Auditorium
<b>November 3, 2016</b>	Byron Sher Auditorium
<b>November 4, 2016</b>	Byron Sher Auditorium
<b>November 8, 2016</b>	Byron Sher Auditorium
<b>November 9, 2016</b>	Byron Sher Auditorium
<b>November 10, 2016</b>	Byron Sher Auditorium
<b>November 17, 2016</b>	Coastal Hearing Room
<b>November 18, 2016</b>	Coastal Hearing Room
<b>November 29, 2016</b>	Byron Sher Auditorium
<b>November 30, 2016</b>	Byron Sher Auditorium
<b>December 1, 2016</b>	Byron Sher Auditorium
<b>December 2, 2016</b>	Byron Sher Auditorium
<b>December 8, 2016</b>	Coastal Hearing Room
<b>December 9, 2016</b>	Coastal Hearing Room
<b>December 13, 2016</b>	Coastal Hearing Room
<b>December 14, 2016</b>	Coastal Hearing Room
<b>December 15, 2016</b>	Coastal Hearing Room
<b>January 5, 2017</b>	Byron Sher Auditorium <sup>2</sup>
<b>January 6, 2017</b>	Byron Sher Auditorium <sup>2</sup>
<b>January 10, 2017</b>	Byron Sher Auditorium <sup>2</sup>
<b>January 11, 2017</b>	Byron Sher Auditorium <sup>2</sup>
<b>January 12, 2017</b>	Byron Sher Auditorium <sup>2</sup>
<b>January 13, 2017</b>	Byron Sher Auditorium <sup>2</sup>
<b>January 19, 2017</b>	Byron Sher Auditorium <sup>2</sup>
<b>January 20, 2017</b>	Byron Sher Auditorium <sup>2</sup>
<b>January 24, 2017</b>	Byron Sher Auditorium <sup>2</sup>
<b>January 25, 2017</b>	Byron Sher Auditorium <sup>2</sup>

<sup>2</sup> Date is confirmed. Room is subject to availability. Clarifications will be made before the start of Part 1B of the hearing.